



Victims' Rights Brief

For Arizona's Justice System Administrators, Practitioners and Advocates



September 2023 Volume XXVI No. 2

Legislative Update and OVS Complaint Program - Annual Review

2023 Legislative Update

This issue of the Victims Rights Brief (VRB) highlights victims' rights and related laws passed during the 2023 Arizona legislative session. The information below provides a brief summary of changes to the law as they relate to victims' rights but does not include all statutory provisions. We encourage you to visit the Arizona State Legislature's website at <http://www.azleg.gov> for a complete review of the statutes. Please consult with your agency's legal team if you have any questions or need help implementing statutory changes. Links to the chaptered versions of the laws are also included below.

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If you have questions, suggestions, or an idea for an article, please contact
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Arizona Revised Statutes - Victims' Rights Related

HB2482: Sexual assault kits; victim notification

- Amends A.R.S. § 41-2414 by transferring and renumbering A.R.S. § 41-180, titled "Law enforcement crime victim notification fund; software; vendor requirement; reimbursement; definition." This fund, available for electronic victim notice, is now administered by the Arizona Criminal Justice Commission. To be eligible for these funds, agencies must comply with the victims' rights statutes and follow certain established criteria for an electronic notification system. This bill also established a sexual assault kit study committee to include a victim representative. [HB2482](#)

SB1148: Law enforcement; video recordings, fee

- Amends A.R.S. §§ 13-4405, 39-127 and introduces § 39-129 to allow victims access to a free copy of video recordings. First, A.R.S. § 13-4405 has been amended to stipulate that victims are entitled to receive one complimentary copy of video recordings from the respective law enforcement agency. Second, A.R.S. § 39-127 has been revised to incorporate provisions related to video recordings. Third, a new section, A.R.S. § 39-129, has been introduced, permitting agencies to levy a one-time fee for video recordings, with the exception of provisions outlined in A.R.S. § 39-127. [SB1148](#)

Please ensure appropriate updates are made to your agency's policies and procedures, notification letters and in-house trainings as applicable.

SB1582: Lifetime injunction; petition; procedures

- Amends A.R.S §§ 13-719, 13-905 AND 13-911, to provide clarity on lifetime injunctions. First, it allows a victim to request an injunction if it was not sought during the sentencing phase. Second, the court cannot impose a filing fee for an injunction petition. Third, it clarifies that set asides or sealing of records will not impact lifetime injunctions. [SB1582](#)

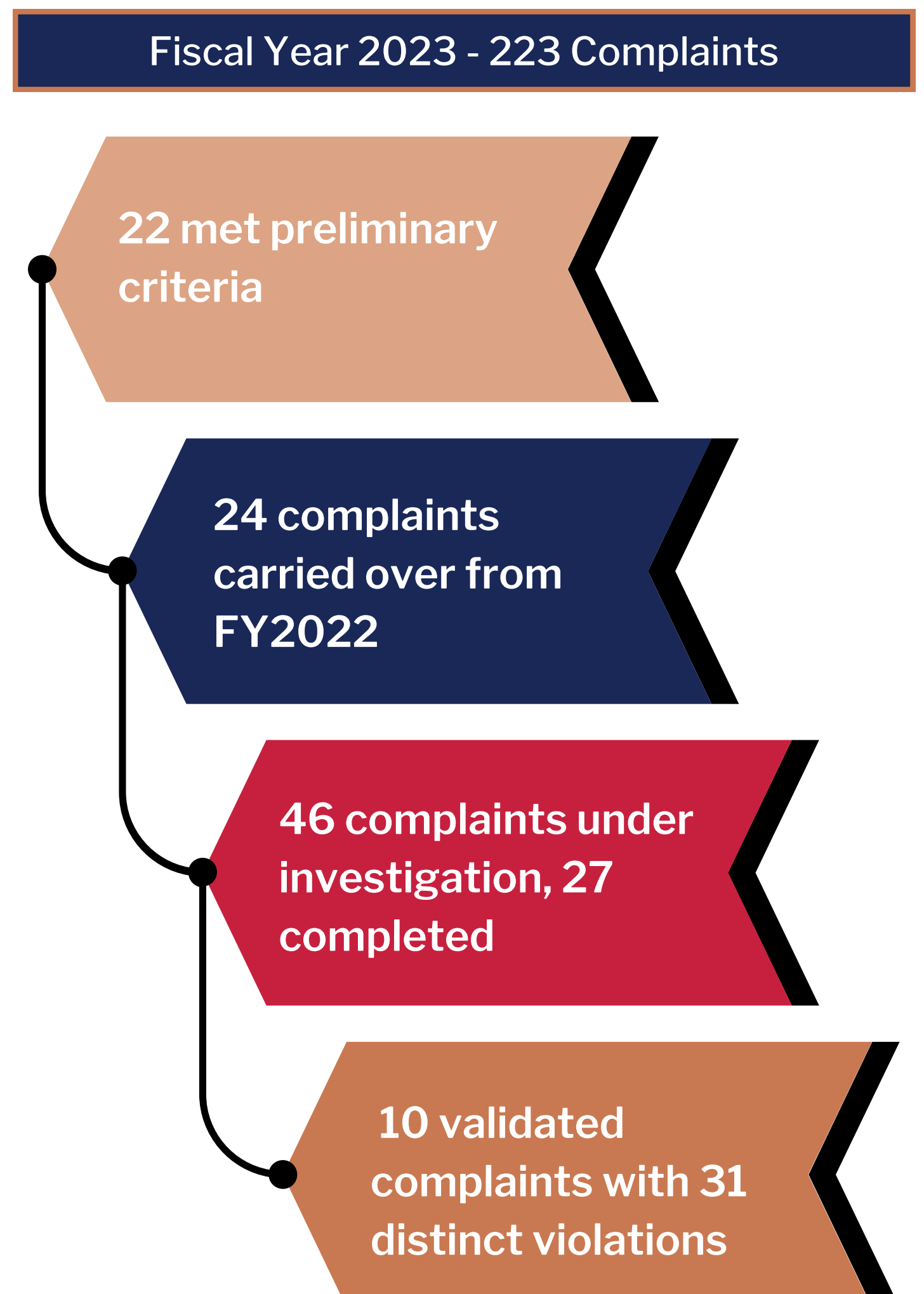
Victims' Rights Complaints - Looking Back

The Victims' Rights Complaint Program, under the Attorney General's Office of Victim Services (AGO/OVS), is a nationally acclaimed multi-disciplinary initiative dedicated to ensuring the rights of victims are consistently upheld. Overseen by the Compliance Administrator (CA), the Complaint program plays a pivotal role in the AGO's mission to champion justice and healing for those affected by crimes in Arizona. This includes fostering victim engagement in the judicial process,

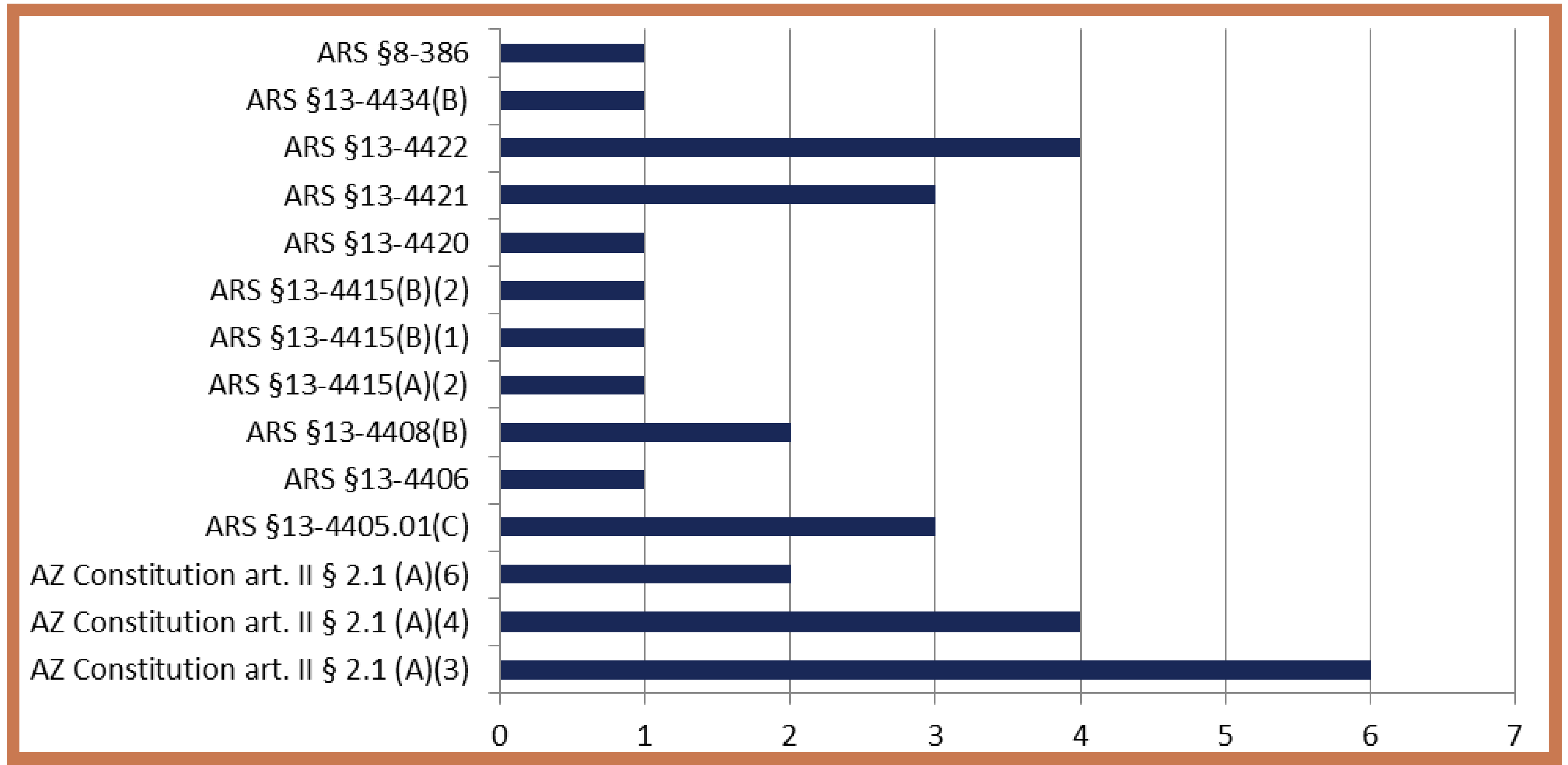
investigating victims' rights concerns with criminal and juvenile justice bodies, and pinpointing service gaps or inconsistencies in the interpretation of victims' rights legislation. Furthermore, the CA ensures accountability, offers guidance and technical support to agencies tasked with delivering mandated victim services, and exonerates agencies against unwarranted criticisms from unsubstantiated claims of violations.

A Year in Review 2023

During Fiscal Year 2023, OVS carefully examined 223 complaints alleging victims' rights violations. Out of these, OVS found that 22 satisfied preliminary criteria warranting further review: (1) the complainant must be a crime victim, lawful representative, or legal counsel; (2) the complaint is made within one year of the violation; and (3) the complaint alleges an agency committed a violation under the Victims' Bill of Rights or associated Arizona Revised Statutes. Furthermore, OVS carried-forward an additional 24 complaints from last year, resulting in 46 complaints under investigation. From this pool, OVS completed 27 investigations, validating 10 complaints with 31 distinct violations. As a result, OVS issued a letter of findings to seven agencies listing the complainant's specific allegations, the respective agency's infractions, and where appropriate, made recommendations for systemic enhancements. Notably, the predominant findings were associated with issues pertaining to A.R.S. § 13-4422, which concerns decisions made post-arrest regarding custody.



Victims' Rights Violations by Statute



- A.R.S. § 8-386. Information provided to victim by law enforcement agencies
- A.R.S. § 13-4434(B). Victim's right to privacy; exception; definitions
- A.R.S. § 13-4422. Post-arrest custody decisions
- A.R.S. § 13-4421. Initial appearance
- A.R.S. § 13-4420. Criminal proceedings; right to be present
- A.R.S. § 13-4415(B)(2). Notice of right to be heard at probation modification hearing
- A.R.S. § 13-4415(B)(1). Notice of restitution modification
- A.R.S. § 13-4415(A)(2). Notice of probation modification hearing
- A.R.S. § 13-4408(B). Notice of declination
- A.R.S. § 13-4406. Notice of initial appearance
- A.R.S. § 13-4405.01(C). Issuance and execution of arrest warrants
- AZ Const. art. II § 2.1(A)(6) To confer with the prosecution, after the crime against the victim has been charged, before trial or before any disposition of the case and to be informed of the disposition.
- AZ Const. art. II § 2.1(A)(4) To be heard at any proceeding involving a post arrest release decision, a negotiated plea, and sentencing.
- AZ Const. art. II § 2.1(A)(3) To be present at and, upon request, to be informed of all criminal proceedings where the defendant has the right to be present.

Results Driven Data

The Compliance Administrator makes conclusions and findings on victims' rights complaints from a detailed review of all evidence presented or discovered during the investigative process. This includes items such as judicial records, law enforcement reports, notification letters, file annotations, and insights learned from interviews. Annually, OVS aggregates data to identify reoccurring issues and areas that need attention across the state. This valuable information then shapes state-wide training agendas and guides committee deliberations.

Results Driven Data Cont.

This year, the OVS Director and Compliance Administrator had the esteemed privilege of presenting the AZOVS Complaint Process along with victims' rights information at the Limited Jurisdiction new judge training and at the 2023 Arizona Judicial Conference. These gatherings, which included judges from across the state in diverse roles spanning from limited jurisdiction courts to the State Supreme Court, allowed OVS to present interactive victims' rights instruction and discussion. These sessions included updates on case law and rule changes, the intricacies of the complaint procedure, and furnished a platform for attendees to dissect typical violation scenarios, fostering a deeper understanding of preventive measures. Below are reflections from the participants:

"I left with many questions (that I will bring to my work colleagues to find out specifically how we address these issues in our court)... this will impact my work greatly. Thank you!"

"Good panel of presenters- very knowledgeable and useful information"

"Thank you for the presentation and content. Also appreciated the information about the AG's involvement and oversight"

"Excellent mix of case law updates and practical tips"

"Very good presentation; very helpful to remind us of the purpose of victims' rights."

Effectiveness

During the course of our investigations, the criminal justice agencies were receptive to OVS' recommendations. They demonstrated a strong commitment to enhancing their services for victims. Based on OVS' feedback, numerous agencies reviewed their daily operations, updated their policies and procedures, and sought training on victims' rights for their personnel. Furthermore, victims gave overwhelmingly positive feedback regarding the complaint process. It is important to note that the Complaint Program benefits the wider victim community, not just those who have lodged a complaint with our office. Any improvements made by criminal justice agencies, whether in response to a substantiated complaint or otherwise, have significant and far-reaching implications for all victims.

We strongly encourage all criminal justice agencies to proactively review their policies, procedures, daily operations, and notification letters to insure alignment with statutory requirements whether or not a victims' rights complaint has been lodged against your agency



Victims' Rights Education

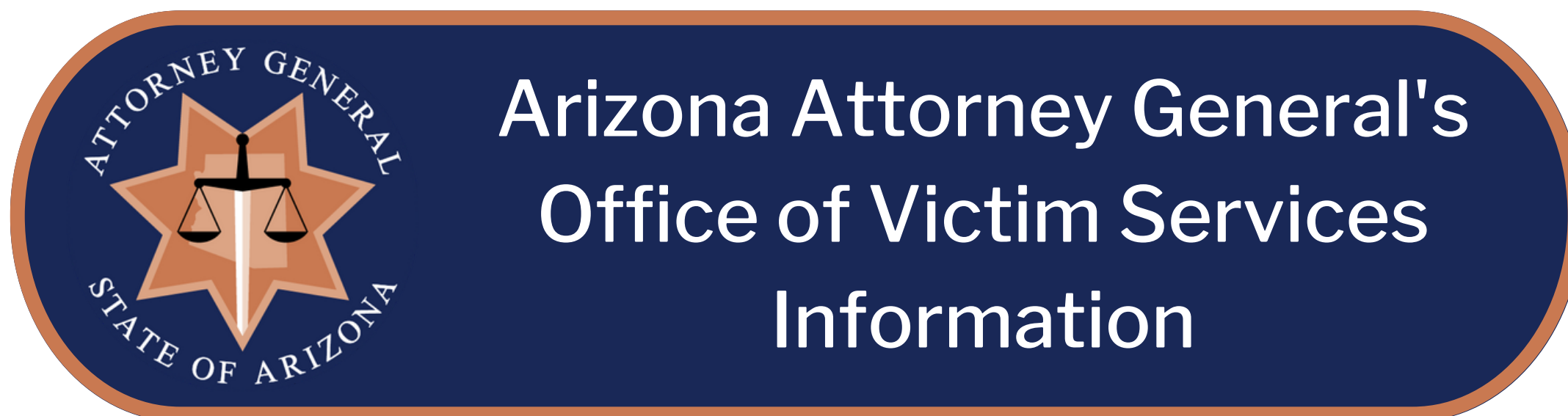
The OVS Victims' Rights Education Program is currently taking a break from Basic and Advanced Victims' Rights presentations to develop a new Advanced presentation for FY24, which will focus on the highly-requested topic of victim restitution. Presentations for FY24 will begin in October via webinar.

Please keep an eye out for registration opportunities on the OVS Education website noted below.

As a reminder for VOCA recipients, both systems-based and community-based practitioners must take the Basic Victims' Rights course every 5 years. Systems-based practitioners must take the Advanced Victims' Rights course yearly, and community-based practitioners should attend yearly as well. You can view other webinar requirements on our website.

To visit our website or the link below:

<https://www.azag.gov/criminal/victim-services/training>



The Arizona Attorney General's Office is dedicated to a system of justice that is inclusive of crime victims and will remain vigilant in striving to provide the most efficient and effective service to the people of Arizona. The services provided to crime victims and the technical assistance and support provided to criminal justice agencies and other service providers is the responsibility of the Office of Victim Services.

Phoenix Victim Service's Office:

Mainline: 602-542-4911

Fax: 602-542-8453

2005 N. Central Avenue, Phoenix, AZ,
85004

Tucson Victim Service's Office:

Mainline: 520-628-6459

Fax: 520-628-6566

400 W Congress, S-315, Tucson, AZ,
85701



For more information and resources about the Arizona Attorney General's Office, please visit: azag.gov